

Remarks

Claims 1, 6-19, and 149-165 were previously pending and under examination. By this Amendment claims 1 and 19 are currently amended, claims 6-18, 149-152, 154, 159, 160, and 162-165 are currently canceled, and no new claims are added. Remaining claims under current examination are claims 1, 19, 153, 155-158, and 161. No new matter is introduced.

Claim 1 is currently amended to incorporate the limitations of claim 7, now canceled. Applicant respectfully points out that claim 7 was not rejected by the Examiner under 35 U.S.C. 102.

Claim 19 is currently amended to incorporate the limitations of claim 152, now canceled. Applicant respectfully points out that claim 152 was not rejected by the Examiner under 35 U.S.C. 102.

Rejections Under 35 U.S.C. 112, Second Paragraph

The Examiner indicated that claims 1, 6-19, and 149-165 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicant respectfully disagrees, and, for reasons set forth below, requests the Examiner to reconsider and withdraw his rejection of claims 1, 6-19, and 149-165 under 35 U.S.C. 112, second paragraph.

The Examiner alleged that claim 1, and likewise claim 19 and dependent claims, are unclear in connection with the language “composed of ... amino moiety and a negative charge”. The Examiner suggests it is unclear if the “negative charge” refers to a “net negative charge of the entire charge moiety or a negatively charged of a particular chemical moiety”. Paragraph bridging pages 2-3 of Office Action. In response, Applicant respectfully submits that the claim language in question, when taken in whole (“a charge motif composed of a positively charged free amino moiety and a negative charge”), plainly refers to a charge motif comprising two

opposite charges, a positively charged free amino moiety and a negatively charged moiety. The Examiner is also referred to page 20, lines 28-30, and to page 21, lines 8-10, for example, in support of this claim language. In view of the foregoing in respect of the claim language "composed of ... amino moiety and a negative charge", Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 19, and remaining dependent claims, under 35 U.S.C. 112, second paragraph.

Claims 6-18, 149-152, 154, 159, 160, and 162-165 are canceled by this Amendment. Rejection of these claims under 35 U.S.C. 112, second paragraph, is thereby rendered moot. Accordingly, Applicant respectfully requests the Examiner to withdraw rejection of claims 6-18, 149-152, 154, 158-160, and 162-165 under 35 U.S.C. 112, second paragraph.

Rejections Under 35 U.S.C. 102

The Examiner indicated that claims 1, 8-10, 14-16, 18-19, 149-151, 154, 158-160, and 162-163 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Pat. No. 5,700,906 to Arnot et al. ("Arnot et al."). The Examiner did not reject claims 6, 7, 11-13, 17, 152-153, 155-157, and 161 as being anticipated by Arnot et al. Applicant has amended claim 1 to incorporate all the limitations of claim 7, and likewise claim 19 to incorporate all the limitations of claim 152. Accordingly, Applicant respectfully submits that neither claim 1 nor claim 19 as currently amended is anticipated by Arnot et al. Claim 158 depends from claim 19 as currently amended. Furthermore, claims 8-10, 14-16, 18, 149-151, 154, 159, 160, and 162-163 are canceled by this Amendment. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 8-10, 14-16, 18-19, 149-151, 154, 158-160, and 162-163 under 35 U.S.C. 102(b) as being allegedly anticipated by Arnot et al.

The Examiner indicated that claims 1, 6, and 8-13 are rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Pat. No. 6,150,459 to Mayes et al. ("Mayes et al."). The Examiner noted on page 5 of the Office Action that the application is examined under the pre-AIPA 35 U.S.C. 102(e), i.e., 35 U.S.C. 102(e) prior to its amendment by the American Inventors

Protection Act of 1999 (AIPA). For the record, Applicant notes that the earliest claimed priority dates, and likewise the filing dates, of the instant application and Mayes et al. are less than one year apart. Also for the record, Applicant, in making this Amendment, does not mean to concede that Mayes et al. necessarily have priority of invention.

Claim 1 is currently amended to include the limitation of claim 7, i.e., that the claimed composition comprises a peptide-nucleic acid mixed polymer. Such composition is not anticipated by Mayes et al., as already conceded by the Examiner. Claims 6 and 8-13 are canceled by this Amendment. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 6, and 8-13 under 35 U.S.C. 102(e) as being allegedly anticipated by Mayes et al.

Summary

Amendments and arguments are presented to overcome rejections made under 35 U.S.C. 112, second paragraph , and 35 U.S.C. 102. For reasons set forth above, the Examiner is urged to withdraw all rejections.

Applicant believes the claims are in condition for allowance. A prompt and favorable action is earnestly solicited.

Respectfully submitted,
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